

02-278



Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Washington, D.C. 20554

**CGB****OCT 14 2003**

Control No. 0302765/kah-Pol

**RECEIVED**

The Honorable Dave Camp  
U S House of Representatives  
135 Ashman Street  
Midland, MI 48640

**OCT 28 2003**

Federal Communications Commission  
Office of the Secretary

Dear Congressman Camp

Thank you for your letter on behalf of your constituent, Ms. Brenda Bigham, marketing assistant for Stevens Worldwide Travel, regarding the Federal Communications Commission's (Commission) recent amendments to the rules implementing the Telephone Consumer Protection Act of 1991 (TCPA)

Specifically, Ms. Bigham explains that her company's telemarketing program is "the initial contact of a transaction involving a face-to-face-sales presentation." Ms. Bigham also states that the calls are made in conjunction with a direct mailing piece, and no sales are made over the phone. Furthermore, she indicates that her company makes both interstate and intrastate calls. Therefore, Ms. Bigham seeks clarification as to whether or not her company is subject to the Commission's "do-not-call" rules.

On July 3, 2003, the Commission released a Report and Order, which adopted rules establishing a national do-not-call registry and other amendments to its telemarketing and facsimile advertising rules. The national do-not-call registry is nationwide in scope, includes all telemarketers, with the exception of certain non-profit organizations, and covers both interstate and intrastate telemarketing calls.

The rules provide an exemption from the national do-not-call list for calls to consumers with whom the seller has an "established business relationship." However, once a customer asks to be placed on a company-specific do-no-call list, the company may not call the consumer again regardless of whether the consumer continues to do business with the company. In addition, the Commission concluded that sellers may contact consumers registered on a national do-not-call list if they have obtained the prior express permission of those consumers. Such permission must be evidenced only by a signed, written agreement between the consumer and the seller. Although telemarketers may not call consumers on the national do-not-call list to request their written permission to be called, they may use some other means such as direct mailing.

2

In addition, the Commission determined that the "do-not-call" rules do not apply to calls made to persons with whom the marketer has a personal relationship. A "personal relationship" refers to an individual personally known to the telemarketer making the call, including family members, friends and acquaintances of the caller. However, the Commission declined to establish an exemption for calls made to set "face-to-face" appointments. We concluded that such calls are made for the purpose of encouraging the purchase of goods and services and therefore fall within the statutory definition of telephone solicitation. Therefore, such calls are subject to the national do-not-call rules.

Enclosed is information that Ms. Bigham may find helpful. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual would send an e-mail to [subscribe@info.fcc.gov](mailto:subscribe@info.fcc.gov) and in either the subject line or body of the message put: subscribe fcc-consumer-info first name last name (substitute their first and last name, for example, "subscribe fcc-consumer-info John Doe").

Information on all telecommunications-related issues can be accessed via the Internet from the Commission's Home Page located at <http://www.fcc.gov> and the Consumer & Governmental Affairs Bureau's web site link at <http://www.fcc.gov/cgb> or by calling 1-888-CALL-FCC. TTY users may call 1-888-TELL-FCC.

We appreciate Ms. Bigham's comments. We have placed a copy of her correspondence in the public record for this proceeding. Please do not hesitate to contact us if you have further questions.

Sincerely,

  
K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures



DAVE CAMP

14 DISTRICT MICHIGAN

COMMITTEE ON  
WAYS AND MEANS

TRADE

HUMAN RESOURCES

HEALTH

## Congress of the United States

House of Representatives

Washington, DC 20515-2204

## FAX COVER SHEET

CONGRESSMAN DAVE CAMP

135 Ashman Street

Midland, Michigan 48640

phone: (989) 631-2552

fax: (989) 631-6271

137 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3551  
FAX (202) 225-9070DISTRICT OFFICE  
135 ASHMAN STREET  
MIDLAND, MICHIGAN 48640  
(989) 631-2552  
FAX (989) 631-6271121 EAST FRONT STREET SUITE 202  
TROY, MICHIGAN 48064  
(231) 929-4711  
FAX (231) 929-4776TOLL FREE (800) 342-2455  
WEB www.house.gov/campCC:3  
TC:PA-Polity  
2765DATE: Sept 17, 2003SEND TO Congressional LiaisonOFFICE: F.C.C.FAX #: 202-418-2806SENT BY: Lori Particka- Constituent Relations Representative

Number of Pages(Including cover sheet)

2RE: Stevens Worldwide Van LinesPlease review the correspondence  
I received from Ms. Brenda Bigham  
and provide the Midland District Office  
with a response at your earliest convenience.If you have problems receiving this transmission, please call  
(989) 631-2552 or (800) 342-2455

22 SEP 2003 RCVD

RECEIVED TIME SEP. 17 2:00PM PRINT TIME SEP. 17. 2:00PM

Rx Date/Time SEP-15-2003(MON) 12:17  
09/15/03 MON 12:24 FAX 989 755 0570

989 755 0570  
STEVENS VAN LINES

P. 002  
002



Lori Particka  
Congressman Dave Camp  
135 Ashman  
Midland, MI

September 15, 2003

Ms. Particka:

On behalf of Stevens Worldwide Van Lines, I would like you to pursue the FCC with the question of our requirement to comply with the Telemarketing Sales Rule. Providing we are not exempt, it is my understanding that we must be in compliance as of October 1, 2003, therefore your prompt attention to this matter is appreciated.

As stated in our conversation earlier today, I am uncertain of responsibility to comply for the following reasons:

- Our telemarketing program is the initial contact of a transaction involving a face-to-face sales presentation. No sales are made over the phone by our telemarketers.
- We call within the states of Michigan and Ohio. (However we do operate in Michigan and Ohio both; telemarketing calls are made from our corporate headquarters here in Saginaw, MI.)
- Our calls are made in conjunction (following) with a direct mailing piece.

If you need any additional information on our current program, I would be happy to share that with you. Please do not hesitate to contact me at: 1-800-765-3836 ext. 399.

Thank you for your assistance,

Brenda Bigham  
Marketing Assistant